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Convention on the Rights of the Child

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Committee on the Rights of the Child
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Summary record of the 1935th (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Tuesday, 13 January 2015, at 3 p.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined second to fourth periodic reports of Turkmenistan (CRC/C/TKM/2-4; CRC/C/TKM/Q/2-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Turkmenistan took places at the Committee table.*

2. **Ms. Amanniyazova** (Turkmenistan), introducing her country's combined second to fourth periodic reports (CRC/C/TKM/2-4), said that, since the submission of the initial report in 2006, the President of Turkmenistan had made some of the issues under the Convention a national priority. All citizens, without exception, had access to gas, electricity and drinking water, and efforts were being made to provide grants and subsidies for a range of goods and services. Families with children could also benefit from assistance in kind and tax relief as part of a package of measures introduced by the Government.

3. Under the National Plan of Action for Children, which was being drafted in cooperation with the United Nations Children's Fund (UNICEF), a national programme on early child development and preparing children for school had been adopted for the period 2011–2015. On 1 June 2012, a decree had been issued approving a programme to develop the juvenile justice system, and on 3 May 2014, the revised Act on State Guarantees of the Rights of the Child had been approved by parliament.

4. The amount of State funding allocated to the sociocultural sphere had increased by 15 per cent in 2014, with a further 9.5 per cent rise planned for 2015. On 1 March 2014, a new budgetary code had been adopted, marking the beginning of a shift towards a more decentralized budget model.

5. In December 2014, a law had been adopted to regulate the development and provision of Internet services in Turkmenistan, establishing the right of citizens to equal and non-discriminatory access to the Internet. Between 2007 and 2014, the percentage of Internet users in the country had increased from 0.09 to 62.1 per cent.

6. In order to ensure high-quality medical care, there were approved standards for the diagnosis and treatment of numerous diseases, and an obligatory certification system had been introduced to enhance the credentials of persons holding medical and pharmaceutical qualifications. Plans and programmes had been adopted to combat HIV infection, improve reproductive health and increase access to clean drinking water through the expansion of the water supply and sewage networks and the construction of water purification plants. As a result, and with the use of vaccinations for vulnerable population groups, the incidence of hepatitis A and dysentery had fallen considerably since 2000. Significant progress had also been made in reducing the incidence of disease in children living in the Daşoguz Region. Moreover, in 2011, approval had been given to a draft national plan of action to alleviate climate change for the period 2015–2020.

7. Under the revised Education Act of 4 May 2013, facilities had been installed in schools to ensure greater access to inclusive education for children with disabilities. An initiative had also been launched to promote inclusive education by awarding child-friendly status to schools that satisfied the relevant criteria. Turkmen students had won medals in many prestigious international Olympiads, and faculties had been established in Ashgabat and other parts of the country to enhance teacher training. Pursuant to article 22 of the Act on State Guarantees of the Rights of the Child, children had a right of access to leisure, recreation and convalescence. Consequently, several convalescent children's homes had been opened and a plan of activities had been drawn up and approved for each of them.

8. In the area of justice, the adoption of a code of administrative offences in August 2013 had helped strengthen the protection of minors' rights, and between 2010 and 2014 there had been a decrease in the proportion of crimes committed by minors. Since achieving independence in 1991, Turkmenistan had not been involved in any military conflicts, and did not have specific regulations for the protection of children during armed conflicts. Specialized secondary-level facilities had been established to offer military preparation courses for male children aged 14 and over.

9. Turkmenistan was a permanent member of the Executive Committee of the High Commissioner's Programme and had become a member State of the International Organization for Migration in 2013. Child refugees who had participated in armed conflict in their country of permanent residence received psychological assistance from the Turkmen authorities. Since 2011, there had been no recorded cases of child trafficking or production or distribution of child pornography. Nevertheless, the Government was in the process of developing a national plan of action to combat human trafficking for the period 2016–2020.

10. **Ms. Aldoseri** (Country Rapporteur), noting that, under Turkmen law, a child was defined as a person below the age of 18, asked why children with disabilities could claim disability allowance only up to the age of 16. She requested information on the consequences of statelessness for ethnic minority children, particularly those who had been born in Turkmenistan and had lived there for many years, and asked whether the revised Citizenship Act addressed the issue fully.

11. She asked what steps had been taken to ensure that children could access information from all sources, including the Internet, and invited the delegation to comment on reports that, in September 2014, unexplained disruptions and shutdowns had affected Internet access in Turkmenistan. The delegation should also indicate what opportunities children were given to exercise their freedom of expression, particularly in relation to matters concerning them, and whether teachers were trained to provide such opportunities.

12. She enquired about the Government's efforts to contain and prevent the damaging effects of the Aral Sea crisis on children living nearby, and to reduce the high infant and maternal mortality rates in the Daşoguz Region, where 3 out of 12 mothers and 5 out of 12 newborn babies had reportedly died in a municipal hospital in the space of a week in August 2013. She also wished to know what had been done to check the rise in deaths from cancer, on which no official statistics were available and no focused studies had been conducted.

13. Noting that, although corporal punishment was prohibited by the Act on State Guarantees of the Rights of the Child and the Family Code of 2012, the practice persisted in homes and in schools, she asked what steps had been taken to enforce the law in all settings.

14. Lastly, while commending amendments to the Criminal Code to bring the definition of torture into line with that provided in article 1 of the Convention against Torture, she noted that there had been reports of torture and ill-treatment in detention centres and that adequate complaints mechanisms had not been set up. With that in mind, the delegation should explain what measures had been taken to address the situation and criminalize acts of torture.

15. **Ms. Khazova** (Country Rapporteur) welcomed the significant progress that had been achieved in Turkmenistan in the field of children's rights, due in no small part to the adoption of a long list of laws. She said that the Committee remained concerned, however, that legislation was not always readily accessible to the public. According to some sources, minor laws were sometimes not published and the texts of the international treaties to which Turkmenistan had acceded could be consulted only in the library of the Ministry of

Justice, access to which was very limited. She invited the delegation to comment on the matter.

16. She enquired about the status of the National Plan of Action for Children. Given that a draft had apparently been ready as early as 2010, she wished to know why the Plan had not yet been adopted, and whether it was likely to be adopted in the near future. Noting that an interdepartmental commission had been created to ensure compliance with international human rights obligations, she asked whether a special body would be set up to monitor the implementation of the Convention and measures in favour of children's rights in particular. With regard to the State budget for the sociocultural sphere, she asked how expenditure was monitored and whether there were clear budget lines for children's needs.

17. She wished to know why government data, particularly disaggregated data, were practically inaccessible, and whether there were plans to rectify the situation. In that connection, the delegation should explain why the most recent census conducted in Turkmenistan had not been published.

18. She also wished to know the extent to which the principle of the best interests of the child was applied in practice, particularly by courts, and whether the child's opinion regarding custody was ascertained in the context of divorce proceedings. Noting the existence of a rule requiring judges to ascertain the opinion of children aged 10 and above in matters concerning them, she asked whether the opinion of children below the age of 10 was not taken into account, and pointed out that the Convention did not set a minimum age. The delegation should also describe any steps taken to overcome outdated stereotypes that continued to restrict children's freedom of opinion and expression. Lastly, she asked whether efforts had been made to raise awareness among current and prospective foster parents of the importance of open adoption, despite the strict confidentiality laws applicable to officials involved in adoption proceedings.

19. **Mr. Nogueira Neto** asked what measures had been taken with regard to the rights of children to privacy and freedom of thought, conscience and religion. In the context of the ongoing educational reforms in the State party, he wished to know how such rights would be covered in future laws, particularly those related to the school environment.

The meeting was suspended at 3.50 p.m. and resumed at 4.20 p.m.

20. **Ms. Amanniyazova** (Turkmenistan) said that over three quarters of the education budget was allocated to preschool, primary and general secondary education and that it was the parliament that monitored how public funds were spent. Experts were preparing a strategic budget for children's affairs, which would take into account aspects of the Convention, and local authorities were receiving training on the importance of providing sufficient funds for children's issues. Statistical data might be lacking, but the President had set the objective of aligning the country's statistical practices with international standards and it was intended to disaggregate data by indicators such as gender and ethnicity.

21. **Ms. Khazova** asked when the alignment with international standards would be completed.

22. **Ms. Amanniyazova** (Turkmenistan) said that the assessment phase had been carried out and that, with the assistance of the United Nations Population Fund and the International Monetary Fund (IMF), the transition should be completed by 2016. Census data were published and were made available to the public through libraries.

23. **Ms. Aldoseri** asked what the cause of the Internet shutdowns in August 2014 had been and whether the situation had been restored to normal.

24. **Mr. Haljanov** (Turkmenistan) replied that the cuts in question, a preventive measure taken in response to very high summer temperatures, had been intermittent and temporary and had never affected the entire country at once.

25. **Ms. Khazova** asked whether children enjoyed freedom of access to social media.

26. **Mr. Haljanov** (Turkmenistan) said that, although not all social media were operating in Turkmenistan, all persons, including children, were free to use them. Russian language social networks were the most widely accessed.

27. **Ms. Agayeva** (Turkmenistan) said that the revised Act on State Guarantees of the Rights of the Child, which set the age of majority at 18, had been adopted in May 2014 and would lead to the amendment of a number of other relevant laws. After the age of 16, children with disabilities moved into a different category that entitled them to twice the amount of disability allowance; therefore, there was no discrimination against that group. Replying to questions regarding the Aral Sea crisis, she said that the Government was running pilot programmes to improve maternal and child health, including prenatal care and the construction of new infrastructure. In addition, a plan adopted in 2010 to provide midwifery services and early cancer screening had led to a drop in both maternal and infant mortality.

28. **Ms. Berdiyeva** (Turkmenistan) said that any ill-treatment, bodily harm, sexual abuse or neglect of children was an offence under the Criminal Code. An accelerated investigation procedure was available in cases of offences against children. Administrative proceedings could also be launched. Article 182 of the Code addressed torture, in keeping with the Convention against Torture, and contained specific provisions regarding the torture of women, children, persons with disabilities and detainees. Juvenile offenders were held separately from adults. Some 47 boys were currently held at the juvenile correctional colony, while the only 2 girls were held separately in a women's facility. Video cameras had been installed to ensure that force was not used against detainees and, although a complaints mechanism was in place, there were no registered cases of torture or ill-treatment of juvenile offenders. The International Committee of the Red Cross had been conducting visits to places of detention since 2011 and had reported decent conditions, including the organization of leisure activities and the provision of vocational training.

29. **Ms. Khazova**, noting that there was no correctional colony for girls, asked how their segregation at the women's facility was ensured. She also asked to what extent children in alternative care could lodge a complaint in practice. Was there a helpline? If so, how were callers protected?

30. **Ms. Berdiyeva** (Turkmenistan) said that the International Committee of the Red Cross could confirm that juveniles were held separately from adult offenders.

31. **Ms. Aldoseri** requested further information on the complaints mechanism for detainees, specifically whether it was independent, who its members were and whether records were kept of the complaints.

32. **Ms. Berdiyeva** (Turkmenistan) said that no complaints had been lodged. The team that had visited the juvenile correctional colony had been given access to the inmates and had observed that the staff were very supportive of them.

33. **Ms. Khazova** asked whether the youths held in the colony had all been convicted or whether some were awaiting trial.

34. **Ms. Berdiyeva** (Turkmenistan) replied that only convicted offenders were sent to the colony; juveniles who required placement in pretrial detention were held in remand centres.

35. **Ms. Khazova**, referring to reports of violence against children in remand centres, asked what monitoring was conducted.

36. **Ms. Berdiyeva** (Turkmenistan) said that no such cases had been brought to her attention.

37. **Ms. Agayeva** (Turkmenistan) said that the complaints mechanism was composed of representatives of the procurator's office, local government and civil society.

38. **Ms. Amanniyazova** (Turkmenistan) said that the United Nations Population Fund was helping to set up a helpline for victims of domestic violence.

39. **Mr. Geldimammedov** (Turkmenistan), replying to a question regarding opportunities for children to express their views, said that new subjects had been added to the curriculum, such as healthy lifestyles, in which children were taught about their rights in various spheres. In addition, children had been involved in national consultations on the post-2015 development agenda.

40. **Ms. Atajanova** (Turkmenistan) said that legislation was published in the Official Gazette and was available free of charge, including online. Although regulations were not always widely disseminated, they were published in compendiums that could be found on the websites of the relevant ministry or at the Ministry of Justice's library. Proposals for constitutional reform were being drafted and would be published in the mass media for nationwide consultation. With the assistance of the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights and the European Union, information centres had been established in all the regions, where the public could access national legislation and international instruments, which had been translated into Turkmen and Russian. The centres also ran human rights seminars for teachers, students and NGOs.

41. Work on the National Plan of Action for Children had not stopped, but had been slowed down by the simultaneous design of a national programme for early childhood education and another on juvenile justice. Moreover, policymakers wished to wait for the Committee's concluding observations in order to incorporate its recommendations in the plan, which would be adopted by the end of 2015. Confirming that the Interdepartmental Commission on compliance with Turkmenistan's international human rights obligations was the body that monitored human rights and coordinated ministry efforts in that domain, she said that a number of specialized working groups had been set up under the Commission. In addition, the programme on juvenile justice would provide for a coordinating and monitoring mechanism based on the experience of other countries.

42. **The Chairperson** asked whether the State party would consider setting up a coordinating working group on children's rights and the Convention.

43. **Ms. Atajanova** (Turkmenistan) said that discussions were being held on the creation of such a body. Turning to the issue of citizenship for members of ethnic minorities, she said that relevant legislation was in place and Turkmenistan had acceded to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. In addition, the majority of the individuals who had recently obtained Turkmen citizenship were members of ethnic minorities.

44. **Ms. Aldoseri** said that her question on statelessness had related both to discrimination against ethnic minority children who did not have Turkmen citizenship and to their enjoyment of their rights.

45. **Ms. Khazova** asked whether the measures taken to resolve the issue of stateless children had been effective and whether children born in the State party still ran the risk of becoming stateless.

46. **Ms. Atajanova** (Turkmenistan) said that children born in Turkmenistan automatically gained Turkmen citizenship. However, she would undertake further research on the matter.

47. **Ms. Khazova** asked whether confidential adoption was a topic of discussion in the State party, what relevant regulations were in place and whether children could find out information about their origins.

48. **Ms. Berdiyeva** (Turkmenistan) said that any breach of confidentiality regarding adoption constituted a criminal offence.

49. **Ms. Khazova** asked whether corporal punishment was prohibited under the Family Code and other domestic legislation and what action was being taken to raise public awareness of the issue.

50. **Ms. Aldoseri** asked whether corporal punishment was classified as unacceptable or prohibited in the legislation of the State party.

51. **The Chairperson** asked whether corporal punishment was criminalized. She also requested clarification as to whether all forms of violence against children were considered to be inadmissible, or only those resulting in bodily harm.

52. **Ms. Khazova** asked how the authorities kept track of the whereabouts and situation of children who had been left in the care of relatives or abandoned. Furthermore, she wished to know whether parents affected by poverty, particularly single mothers, received benefits and support and whether prospective and existing adoptive parents received advice on the upbringing of children. She requested information on the situation regarding the ban on international adoption and the possibility of acceding to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. What measures had been taken regarding children with disabilities or suffering from ill-health who were living without parental supervision? Was international adoption a possibility in such cases and what plans did the authorities have in that regard? She also asked how much progress had been made in terms of organizing the juvenile justice system, setting up special courts and the specialization of judges.

53. **Ms. Aldoseri** commended the State party on the adoption of a national HIV prevention programme. However, no official data on the scale of the problem seemed to have been published. She requested information on any relevant awareness-raising campaigns on the transmission of HIV or preventive measures targeting schoolchildren and the general public, particularly in the areas bordering Afghanistan and Uzbekistan. Was it true that medical practitioners were reluctant to diagnose patients with HIV out for fear of reprisals from officials? The delegation was asked to comment on the closure of the National AIDS Prevention Centre in Ashgabat and to explain why the health budget had been cut and a number of hospitals closed. Additional information was requested on efforts to investigate the causes of tuberculosis, hepatitis, dysentery and other infectious diseases and to improve both sanitary conditions and access to safe drinking water. As to breastfeeding, she wished to know why the percentage of infants under the age of 6months being exclusively breastfed was so low and whether measures had been taken in that regard.

54. Regarding disability, Turkmenistan had been the first Central Asian nation to ratify the Convention on the Rights of Persons with Disabilities (CRPD). However, in 2013, more than half of the infants cared for in baby homes had been infants with disabilities. Was it planned to collect statistical data in all children with disabilities up to the age of 18?

55. Notwithstanding the substantial increase in the wages of teaching staff and smaller class sizes, concerns remained regarding the quality of education, in the light of articles 28 and 29 of the Convention and the Committee's general comment No. 1 on the aims of education. She asked whether human rights education was included in school curricula and

requested information on the situation of several hundred children affected by the closure of the Turkmen-Turkish school in 2014. She wished to know whether ethnic minority languages were taught in schools and enquired as to the measures taken to protect the lives of schoolchildren.

56. Lastly, had any mechanisms been established to ensure the implementation of the prohibition on the use of child labour in the cotton harvesting industry?

57. **Ms. Herczog** asked how many baby-friendly hospitals there were in Turkmenistan; how the authorities prepared young expectant mothers and their partners for parenthood; what kind of training on breastfeeding was provided to health professionals working on maternity wards; whether provision was made for working mothers wishing to breastfeed their babies; how long maternity leave lasted; whether any form of paternity leave could be granted to fathers; and where children were placed once their parents returned to work. She also requested information on mother-to-child transmission of HIV and breastfeeding. Lastly, she asked how the authorities intended to improve their performance in terms of preventing the placement of very young children in institutions and what the time frame was for the closure of such institutions.

58. **Mr. Nogueira Neto** asked whether the State party intended to draw on international experience, in particular the experience of the Joint United Nations Programme on HIV/AIDS (UNAIDS), in its efforts to promote safe sex among young persons. Was it planned to reform public HIV/AIDS treatment services for young persons? Lastly, he asked to what extent existing awareness-raising campaigns targeting young persons could be widened and intensified in order to combat discrimination against children affected by or living with HIV/AIDS.

59. **Mr. Gastaud** requested additional information regarding the use of child labour in the informal sector. He also asked whether inspections were carried out, and if so, how frequently. Were there sufficient inspectors? Had sanctions been imposed on employers who had breached the Labour Code? Lastly, he asked for clarification regarding the situation of street children, particularly in urban areas.

60. **Ms. Khazova** asked whether any research had been conducted into the growing number of suicides among children, particularly teenagers, that had been reported to the Committee. Had any measures been taken or planned to tackle the issue.

61. **The Chairperson** requested additional information on corporal punishment, measures to raise awareness regarding violence against children, alternative forms of discipline and related legal matters.

62. **Ms. Berdiyeva** (Turkmenistan) said that the use of corporal punishment was prohibited by law.

63. **The Chairperson** asked whether that prohibition covered even minor uses of violence against children and whether an offence could only be deemed to have been committed if bodily harm had been inflicted upon the child in question.

64. **Ms. Berdiyeva** (Turkmenistan) said that the Criminal Code made provision for different levels of bodily harm. An assessment was carried out to determine the level of bodily harm inflicted and the applicable sanctions.

65. **The Chairperson** asked for clarification of what constituted bodily harm under the domestic law of the State party.

66. **Ms. Berdiyeva** (Turkmenistan) said that, under the Criminal Code, the gravity of the bodily harm inflicted was a determining factor when deciding whether an act of violence constituted a criminal offence. Domestic legislation also contained provisions on the use of inappropriate methods of education or upbringing by parents or persons in loco parentis.

67. **Ms. Khazova** said that it was her understanding that the level of harm inflicted determined whether an act of violence constituted a criminal or an administrative offence. She asked whether the Family Code clearly prohibited corporal punishment.

68. **Mr. Gastaud** asked whether the act of occasionally depriving children of food would constitute bodily harm under the legislation of the State party.

69. **Ms. Berdiyeva** (Turkmenistan) said that such an act would be covered by legal provisions relating to the upbringing of children, rather than by the Criminal Code.

The meeting rose at 6 p.m.